IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SHRI DEVINDER GUPTA,

THE CHIEF JUSTICE

AND

HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.10407 OF 1999

Between:

T.Ravi Kumar S/o.Bala Ankanna
Principal Junior Civil Judge, Cuddapah

..... PETITIONER

AND

1 The District Judge, Cuddapah
2 The Chief Manager, State Bank of India, Cuddapah

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of certiorari or any other appropriate writ declaring the action of the 1st respondent in passing the impugned order Dt.26/4/99 without following the procedure as without jurisdiction, without authority, biased, against the statutory provisions and against the Art.300-A of the Constitution of India and consequently quash the impugned order Dt.26/04/99 passed by the 1st respondent and pass such other order.

Counsel for the Petitioner : MR.L.J.VEERA REDDY

Counsel for the Respondent No.1 : Mr. C.V. Nagarjuna Reddy
Counsel for the respondent No.2 : Mr. K.Srinivasa Murthy

The Court Made the Following :

ORAL ORDER (Per Hon'ble Sri Devinder Gupta, CJ)

None for the petitioner. Heard the learned counsel for the respondents.

The petitioner is questioning the order passed by the District Judge, Kadpa directing the Principal Junior Civil Judge, Kadapa to deduct a sum of Rs.1,000/- per month from the salary of the petitioner and credit the same to the personal loan alleged to have been obtained by the petitioner from the second respondent Bank.

There is no representation on behalf of the second respondent. There is no decree obtained by the Bank. The Bank, of its own, approached the District Judge, Kadapa, who, of his own, without there being a decree passed directed the amount to be recovered from the salary of the petitioner working in his unit, which is illegal and cannot be done. In case the Bank had to recover its amount it had to resort to appropriate proceedings in accordance with law and the District Judge also could not have directed the deduction of the amount from the salary of the petitioner.

The Writ Petition is accordingly allowed and the impugned order is set aside.

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(DEVINDER GUPTA, CJ.)

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(G.ROHINI,J.)

06th July, 2004.

Gbs

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the sixth day of July, two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Judge, Cuddapah
2 The Chief Manager, State Bank of India, Cuddapah

3. The Section Officer, OP Cell, High Court of AP, Hyderabad.

4.2CD copies

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THE HON'BLE SHRI DEVINDER GUPTA,

THE CHIEF JUSTICE

AND

HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.10407 OF 1999

(Order of the Division Bench delivered by

the Hon'ble the Chief Justice)

06-07-2004